

**Amendments to the Claims**

This listing will replace all prior versions, and listings, of claims in the application.

**Listing of Claims**

Claims 1-8 (canceled)

Claim 9 (withdrawn) The use of molecules that are taken up by the cell, which molecules comprise a tumor seeking biomolecule coupled to an intercalating moiety, which is complexed to a metal, which metal is preferably a radioactive metal, for the preparation of a therapeutic composition for the treatment and diagnosis of tumors and malignancies.

Claim 10 (withdrawn) The use as claimed in claim 9 wherein the biomolecule is selected from the group consisting of somatostatin-, neurotensin-, bombesin-receptor binding molecules, antibodies, penetratines<sup>™</sup>, and molecules binding to the GPIIb/IIIa receptors.

Claim 11 (withdrawn) The use as claimed in claims 9 or 10 wherein the intercalating agent is an aromatic molecule with an intercalative binding affinity for double-stranded DNA.

Claim 12 (withdrawn) The use as claimed in claim 11, wherein the intercalating agent is selected from the group consisting of acridine, porphyrin, ellipticine, phenantroline, carbazole, benzimidazole or compounds with known cytostatic activity (antibiotics) from the class of tetracyclines (anthracyclines), such as daunorubicine, epirubicine or mixoxantrone.

Claim 13 (withdrawn) The use as claimed in claims 9 or 10, wherein the radioactive metal is a  $\gamma$ -emitting nuclide.

Claim 14 (withdrawn) The use as claimed in claim 11, wherein the radioactive metal is a

$\gamma$ -emitting nuclide.

Claim 15 (withdrawn) The use as claimed in claim 12, wherein the radioactive metal is a  $\gamma$ -emitting nuclide.

Claim 16 (withdrawn) The use as claimed in claim 13, wherein the radioactive metal is selected from the group consisting of Tc-99m, Re-186, Re-188 and Mn.

Claim 17 (withdrawn) The use as claimed in claim 9, wherein the molecule has the general structural formula as given in Fig. 2.

Claim 18 (withdrawn) The use as claimed in claim 9, wherein the molecule has any one of the structures as shown in Fig. 1.

Claim 19 (withdrawn) The use of molecules as claimed in claim 9 for the preparation of a therapeutic or diagnostic agent for treating or diagnosing cancer tumors or malignancies.

Claim 20 (withdrawn) A therapeutic composition, comprising one or more molecules as claimed in claim 1 and one or more suitable excipients.

Claim 21 (withdrawn) A diagnostic composition, comprising one or more molecules as claimed in claim 1 in a suitable carrier.

Claim 22 (currently amended) A compound comprising:

- (a) a biomolecule selected from somatostatin, neurotensin, bombesin-receptor binding molecules, antibodies, penetratines<sup>TM</sup>, and molecules binding to GPIIb/GPIIIa receptors; coupled to
- (b) an aromatic intercalating moiety with binding affinity for double-stranded

DNA selected from acridine, porphyrin, ellipticine, phenantroline, carbazole, benzimidazole, and tetracycline compounds with cytostatic activity;

which is complexed to

(c) a  $\gamma$ -emitting radioactive metal selected from Tc-99m, Re-186, Re-188, and Mn<sub>2+</sub>

- wherein said compound is associated with one or more pharmaceutically acceptable excipients.

Claim 23 (withdrawn) The use of the compound of claim 22 to diagnose a tumor.

Claim 24 (withdrawn) The use of the compound of claim 22 to treat a tumor.

Claims 25 (currently amended) A kit for the preparation of a diagnostic or therapeutic composition comprising

(a) a biomolecule molecule selected from somatostatin, neurotensin, bombesin-receptor binding molecules, antibodies, penetratines<sup>TM</sup>, and molecules binding to GPIIb/IIIa receptors;

coupled to

(b) an aromatic intercalating moiety with binding affinity for double-stranded DNA selected from acridine, porphyrin, ellipticine, phenantroline, carbazole, benzimidazole, and tetracycline compounds with cytostatic activity; ~~and~~

(c) instructions to combine the above composition with a  $\gamma$ -emitting radioactive metal selected from Tc-99m, Re-186, Re-188, and Mn<sub>2+</sub>; and

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(d) one or more pharmaceutically acceptable excipients.

Claim 26 (canceled)